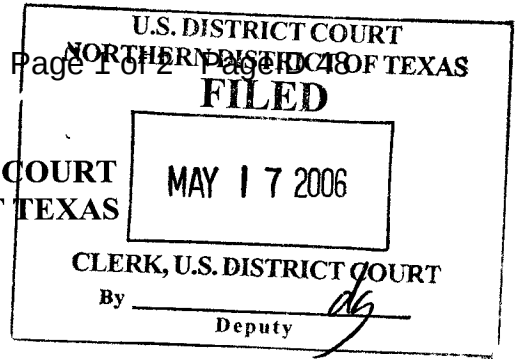


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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

PATRICK O'NEIL HALL,

Petitioner,

v.

**DOUGLAS DRETKE, Director
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

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Civil Action No. 3:06-CV-0375-L

ORDER

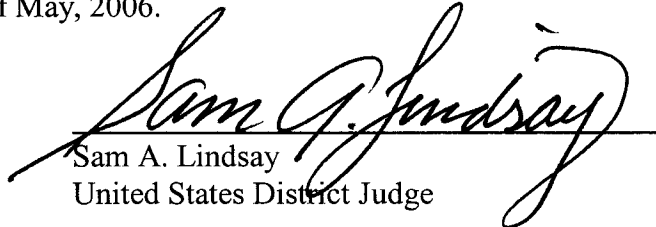
This is a habeas case brought under 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On April 10, 2006, the Findings and Recommendation of the United States Magistrate Judge ("Report") were filed. Petitioner did not file objections to the Report.

Petitioner was convicted of aggravated robbery with a deadly weapon and sentenced to 20 years confinement on August 4, 2004. His conviction and sentence were affirmed on direct appeal on April 19, 2005. Petitioner did not file a petition for discretionary review or seek state post-conviction relief. Petitioner filed this federal petition for writ of habeas corpus on February 27, 2006. He contends that: (1) the indictment was invalid or defective; (2) the prosecutor failed to disclose evidence favorable to the defense; (3) the evidence was factually insufficient to support his conviction; and (4) ineffective assistance of counsel.

The magistrate judge determined that Petitioner has not filed a petition for discretionary review or sought state post-conviction relief. The magistrate judge recommends that this case be dismissed as Petitioner has failed to exhaust his state remedies.

After making an independent review of the pleadings, file and record in this case, and the findings of the magistrate judge, the court determines that the findings of the magistrate judge are correct. They are therefore accepted as those of the court. Accordingly, the court **denies** Petitioner's petition for a writ of habeas corpus; and **dismisses this action without prejudice** for failure to exhaust state remedies.

It is so ordered this 17th day of May, 2006.


Sam A. Lindsay
United States District Judge